



MINUTES

San Luis Obispo County Planning Commission

Bob Roos
Doreen Liberto-Blanck
Sandra Nielsen
Eugene Mehlschau
Wayne Cooper

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:	8:45 a.m.	
Morning Recess:	10:00 -	10:15 a.m.
Noon Recess:	12:00 -	1:30 p.m.
Afternoon Recess:	3:00 -	3:15 p.m.

ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

MEETING DATE: THURSDAY, JANUARY 13, 2005

PRESENT: Commissioners Bob Roos, Gene Mehlschau, Sarah Christie
Chairperson Doreen Liberto-Blanck

ABSENT: None

STAFF: Warren Hoag, Current Planning
Chuck Stevenson, Current Planning
Matt Janssen, Current Planning
Brian Pedrotti, Planner
Martha Neder, Planner
Ryan Hostetter, Planner
Mike Wulkan, Planner

OTHERS: Richard Marshall, Public Works
Jim Orton, County Counsel

The meeting is called to order by Chairman Mehlschau.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of January 13, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Call to Order	
Roll Call	No representative from District 3 is present.
Flag Salute	

Election of Officers	
Nominations	
Commissioner Roos	Nominates Doreen Liberto-Blanck for Chairperson. Sarah Christie seconds the nomination.
Motion	Thereafter, on motion by Commissioner Roos, seconded by Sarah Christie, and carried, in the absence of a Commissioner from District #3, to elect Commissioner Doreen Liberto-Blanck as Chairman for 2005. Ayes: 4, Noes: 0, Absent: 1.
Motion	Thereafter, on motion by Commissioner Mehlschau, seconded by Commissioner Christie, and carried in the absence of a Commissioner from District #3, to elect Commissioner Bob Roos as Vice Chairman for 2005. Ayes: 4; Noes: 0; Absent: 1.
Motion	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried in the absence of a Commissioner from District#3, to elect Lona Franklin as Secretary for 2005. Ayes: 4; Noes: 0; Absent: 1.
Public Comment	Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening	Welcomes Sarah Christie, thanks Eugene Mehlschau for Chairmanship over past year. Discusses various upcoming issues, including Regional Transportation Plan. States decisions must be made as soon as possible.
Planning Staff Update	
Warren Hoag, staff	Welcomes new Planning Commissioner Sarah Christie from District 5. Observes no appointment has been made to District 3 seat. States a quorum is present and a majority thereof may decide on project applications. States a 2 to 2 vote is a "non-action." Notes Study Session will take place regarding Regional Transportation Plan and another on Port San Luis Harbor District, with a Master Plan for the Port (Capital Improvement Plan), Appendix, a panel EIR that goes with the plan (any changes require amendment to LCP) and a second part of the EIR with findings. Copies of the documents are available from the Planning Department or from local libraries.
Chairperson Liberto-Blanck	Requests time at next meeting regarding prediction of future needs and how to meet those. Requests staff schedule 30 minutes of time for January 27, 2005, with Secretary stating that will be done.
Commissioners and staff	Discuss subject matter and approach for that session.
Jim Orton, County Counsel	States a general agenda item description should include the type of information that will be discussed and need not list each possible topic.
Consent Agenda	Consent Agenda items e., g., and h., are pulled.
MOTION	<p>Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried, in the absence of a Commissioner from District #3 and with Commissioner Christie abstaining, to approve Minutes a., b., c., d., and f., with corrections read into the record, and to continue items e., g., and h. to January 27, 2005, as follows:</p> <ul style="list-style-type: none"> a. Minutes of December 11, 2003 b. Minutes of February 26, 2004 c. Minutes of April 8, 2004

	<p>d. Minutes of May 27, 2004</p> <p>e. Minutes of October 14, 2004</p> <p>f. Minutes of November 16, 2004</p> <p>g. Minutes of November 30, 2004</p> <p>h. Minutes of December 9, 2004</p> <p>Ayes: 3; Noes: 0; Abstain: 1; Absent: 1.</p>
MOTION	<p>Thereafter, on motion by Commissioner Mehlschau, seconded by Commissioner Roos, and carried, in the absence of a Commissioner from District 3, to approve Consent Agenda items i., j., k., and l., as follows:</p> <p>i. Determination of conformity with the General Plan for the abandonment of a portion of CATTLE RUN ROAD. Applicant: Scott Grundfor / Randall Cavanaugh. The project is located in the Arroyo Grande Fringe area of the San Luis Bay (Inland) Planning Area. Land Use Category: Rural Lands. APN's: 044-291-021 and -029. Date accepted: March 4, 2004. Supervisorial District #4. (Receive and file)</p> <p>j. TRACT 2341 (S990187U) Request from PH Property Development / The Wallace Group for a 1st time extension for vesting tentative tract map 2341, to grant a Development Plan and Vesting Tentative Map to allow for a subdivision of a 957 acre site into 1,220 residential single-family lots ranging in size from 4,200 square feet to 23,000 square feet, 16 business park parcels ranging in size from 1.10 acres to 1.40 acres, a 5.7 acre parcel for multi-family residences, 14 golf course parcels totaling 397 acres, 10 commercial parcels within the village center ranging in size from 0.40 acres to 4.10 acres, two resort parcels of 5.40 acres and 17.40 acres each, an 11.60 acre parcel for the wastewater treatment facility, and 100 various parcels for parks, open space, buffers and habitat preservation. The project is proposed to be recorded with multiple final maps (phases) and includes off-site road improvements to Mesa Road from the site to Nipomo, and off-site road improvements to both Via Concha and Albert Way from the site to Willow Road. APN: 092-411-003, in the South County Planning Area. Supervisorial District 4.</p> <p>k. TRACT 2262 (S970128U) Request from George Widmark/Westland Engineering for a 4th time extension for vesting tentative tract map 2262, a request for subdivision of a 164 acre parcel into three parcels of 46.70 acres, 51.25 acres and 65.62 acres. The site is located in the Residential Rural land use category. The site is located at 951 Eucalyptus Road on the southeast corner of Eucalyptus Road and Indiana Way, approximately 0.4 miles west of Nipomo. The project site is within the South County Planning Area. Supervisorial District 4.</p> <p>l. EMERGENCY PERMITS. The following emergency permits have been issued by the Planning Director. This is a report to the Planning Commission as required by Section 23.03.045(8) and I being provided for public information only. No action need be taken by the Planning Commission except to Receive and File. The decision to issue an emergency permit is solely at the discretion of the Planning Director, although subsequent permits required for the project are subject to all applicable hearing requirements as specified in Titles 22 or 23.</p>

	<p>(Recommendation: Receive and File)</p> <ul style="list-style-type: none"> In early November 2004, the well at 2225 Clark Valley Road failed to draw enough water to support the existing permitted greenhouse growing operation on the property. An emergency permit was issued to allow drilling of a replacement water well on the subject property (APN 074-225-038). The location of the property makes this project appealable to the Coastal Commission consequently requiring the issuance of a Minor Use Permit prior to drilling activities. The Minor Use Permit process generally takes between two and five months to complete in which time the greenhouse growing operation would fail due to lack of water to support the facility. The permit was issued to prevent the loss of property that would occur in the time before completion of the Minor Use Permit. <p>Ayes: 4; Noes: 0; Abstain: 0; Absent: 1</p>
#1. GODFREY, County File No. S030062T / TRACT 2574.	<p>This being the time set for hearing to consider a request by Mark Godfrey for a Vesting Tentative Tract Map to subdivide an existing 19.2 acre parcel into seven parcels of between 3.15 and 2.50 acres each, for the sale and/or development of each proposed parcel. The proposed project is within the Residential Suburban land use category and is located at the northeast corner of Badger Canyon Lane and Fox Canyon Lane, west of Corbett Canyon Road, approximately 1 mile north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area. APN: 044-501-004. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, public services/utilities, recreation, wastewater, and water. County File No. S030062T / TRACT 2574. Date application accepted: November 4, 2003. Supervisorial District 4.</p>
Brian Pedrotti, staff	<p>Gives the staff report. Includes specific location, displays maps, reviews site constraints, road, sedimentation, drainage, building envelopes and disturbance. Recommends adoption of the Negative Declaration and approval of the Vesting Tentative Tract Map. States a CDF letter has been provided regarding a dead-end road, and there are suggested conditions.</p>
Richard Marshall, Public Works	<p>Suggests modification to Condition 2.a. Reads change into record. Provides definition of A-1 section. Describes application to this project.</p>
Commissioners	<p>Request further information, with Public Works staff responding. Discussion takes place.</p>
Brian Pedrotti, staff	<p>Condition 23 requires change. Reads into record.</p>
Commissioners, Planning and Public Works staff	<p>Condition 17 is discussed. Discussion takes place regarding storm water retention, the Negative Declaration, involvement of the City of Arroyo Grande.</p>
David Marshall, Omni Design Group, Agent for applicant	<p>Thanks staff. Gives a short history of the project. Addresses neighbors' concerns, stating applicant has agreed to underground the drainage ditch as it fronts the property, approximately 600 feet, and will widen the road.</p>
Commissioner Roos	<p>Requests information about overhead or underground utilities, with agent responding applicant prefers to underground.</p>

Commissioner Christie	Requests information about removing trees, with agent responding.
David Marshall, agent	States applicant will rely on recommendations of the botanist and biologist and will retain plants in alternate locations as much as possible.
Terry Sue Harvey	States many property owners have agreed they would like this project continued. They desire to review it more. Gives some reasons. Provides copies of some photographs. Discusses clearing, tree removal, clean-up, stating all was done without permits. States there are fears of wildfire. Discusses watershed, wildlife, retention pond, maintenance.
Commissioner Roos	Requests clarification regarding the photograph of a mudslide and its location relative to this project site, with Ms. Harvey responding.
Terry Sue Harvey	Displays photograph overhead, describing various details. States there are wildlife considerations.
Susan Patton	States her property adjoins the back of the project site. States the materials were unavailable on the internet. Requests a postponement of 30 days. States a survey is in process at this time. States there are major lot line disputes. Environmental concerns include runoff, retention basins, grading. Oaks and manzanita were cut down. States due to the inclement weather, opponents have been unable to properly prepare their position. Speculates regarding outcome of possible future uses. States habitat will be lost. Requests modifications to include redrawing 2.5 net acres each, no lot under 3 acres be allowed a second unit, and only if a second leach field can be included. Details some further recommendations.
Ed Mathias	Corbett Canyon area resident. States he wishes the building envelopes on lot 1 be as far as possible from the road; the issue of aquifer has not been considered and should be; substantial grading and vegetation has occurred in the past few years, and wonders if any mitigations may deal with that.
Julia Tide	States she speaks for others who could not attend due to the recent inclement weather. Refers to this project having side effects that will change the nature of Arroyo Grande. States some changes to the proposal are requested, and requests postponement of a decision for 30 days.
Eric Greening	States he supports neighbors' request for a continuance, because of unanswered questions. Wonders how the ditch is handling the current weather, which can indicate how much improvement to it is required. Suggests a city official should be consulted about some concerns. Precedence setting should be considered. Refers to steepness. Refers to creek in photograph, and whether it is the same as the "unnamed" creek referred to in the staff report. Questions whether the handling of the detention may impair biological values in proposed locations.
Agent	Addresses issues brought up by speakers, including property lines, watershed issues including retention of additional runoff from paving. Discusses a grading and drainage plan in staff report. States this has the least possible impact on the site.
Commissioner Roos	Requests agent discuss the pond in the photograph, with agent stating applicant will address.
Commissioners, agent and staff	Engage in questions and answers regarding topics brought up by speakers.
Mark Godfrev.	States some neighbors have a personal vendetta. There is no illegal grading. no

applicant	illegal tree removal, all has been done according to ordinance requirements and county has inspected this many times. Refers to the slide at back of property, giving a short history. Discusses this being the third phase of a 3-phase project. States they will widen road, fill the ditch. States he can answer questions.
Commissioner Christie	Thanks speakers for participating. Requests staff provide information about notice procedure, with staff responding.
Chuck Stevenson, staff	States there is no advisory council for this area.
Commissioner Christie	Requests clarification of why this project was not referred to the Regional Water Quality Control Board, with staff responding.
Commissioners and staff	Questions and answers are posed and discussed regarding tree removal, tree preservation, old sand pit and any possible reclamation plan, extent and limits of Commission responsibility, difference between net and gross acreage, roads and whether permits were issued, past violations and whether they have been cleaned up.
Mark Godfrey, applicant	Clarifies photographs displayed to discuss grading and old roads, and whether the roads were old sand pit roads. States there has been no illegal grading as long as he has been involved. The Map requires erosion plans and rehabilitation of existing roads.
Discussion continues	Regarding tree removal, tree protection plan, roads locations, building envelopes locations, sensitive species impacts, mitigations, whether the project can be further conditioned to minimize the impact on trees, visibility of retention basin from Badger Road, wetland, whether the project will disturb wetland.
Mark Godfrey, applicant	States the retention basin is only for water that falls on that lot and there are no plans for it.
Terry Sue Harvey	States her understanding this was always a natural spring, it always has overflowed during rain, in the past it has had Willows and stays green all year long.
Discussion continues	Among Commissioners, staff, regarding well requirements, community water, maintenance, costs of septic and well by comparison to community owned, affordable housing, open space easement, benefits of the project, resolution of neighborhood disagreement, Area Plan Update, the "unnamed" creek, presence of surface water, requirement for a SWPA (a control plan), detention basin, habitat, wetland designation and where that should be addressed, and wetlands and CEQA.
MOTION	Thereafter, a motion by Commissioner Christie, seconded by Commissioner Roos, is discussed. Thereafter, motion maker and second amend their motion, and motion by Commissioner Christie, seconded by Commissioner Roos, carries, in the absence of a representative from District #3, to continue the project to March 10, 2005 with staff directed to return on March 10, 2005 with more specific information regarding the environmental impacts and possible mitigations to the wetlands that are currently described as a detention basin and to investigate possible requirements for a reclamation plan under state law, and an overlay with the road patterns existing and proposed, and those that would be reclaimed or restored to natural.
2. KING VENTURES, Appeal of Planning Director	This being the time set for hearing to consider an appeal by King Ventures of a Planning Director determination (pursuant to Land Use Ordinance Section 22.70.050) that the as-built guardhouse and gate structure are not allowed within the 500 foot

Determination	setback required pursuant to Heritage Ranch Village area plan standard 10e. The project is located on the east side of Lake Nacimiento Drive, approximately 1 mile south of Nacimiento Lake Dam, within the Heritage Ranch Village area of the Nacimiento Planning Area. Land Use Category: Residential Suburban. APN: 012-371-001. This request for an interpretation of the Land Use Ordinance is not a "project" under the California Environmental Quality Act and therefore does not require an environmental determination. County File Number: None. Supervisorial District #1.
Martha Neder, staff	Gives the staff report. Provides current requirements. Describes reasoning of staff in making recommendation for denial of the appeal. Recommends denial.
Commissioner Roos	States he met with applicant's agent, and discussed the guardhouse, which applicant states is a utility building. States it does not appear to be a guardhouse, because it is without windows.
Martha Neder, staff	States a utility building and guardhouse would have different requirements. Massing is a problem, as are the gate structure and setback.
Commissioners and staff	Discuss various details of the project and site.
Jim Orton, County Counsel	States reviewing the specific plan regarding this gate is appropriate, although it is not necessary to extend such to other similar gates. In the future, standards can be applied.
Warren Hoag, staff	States such gates do not require a permit, and gives explanation of how that affects a project such as this.
Martha Neder, staff	States there are CC&R's that address gates.
Rachel Kovedski, agent	Explains the guardhouse is 64 square feet and houses electrical and phone equipment for the gate to Tract 1910, a 150-lot subdivision. Discusses requirements to allow the gate structure. Height limitation is addressed. States fencing standards apply to gates located in a front setback, which is defined by the ordinance as parallel or concentric to the front property line. States in this case that is 25 feet. States their gate is outside the open space setback, as defined. Further describes the requirements of the section. Discusses whether the guardhouse is a commercial structure. States it is accessory to the residential use that is permitted and existing. Discusses requirements for building permits, and ADA requirements. Discusses how lots would have to be reconfigured were the gate required to be moved. States the project was conditioned to include improvements, and lists those.
Linda Richey, General Manager, Heritage Ranch	States residents of Heritage Ranch have been told this building is going to be a guardhouse. The permit was issued for the fence, not the building. As far as homes outside, 25 homes access through a gate installed in 1986 (Tract 1063). The gate in question was put in in the past year. Others have been in for ten years. States most lots have been sold at this time. No one has commented favorably about this project. Gives examples. Speculates about intentions of the applicant. States the gates do not work. The design of the structure more specific to its use is needed. They cannot support this project. Recommends applicant make a smaller gate 500 feet back.
Commissioners and Linda Richey	Questions and answers regarding situation at Heritage Ranch Homeowners Association.
Jim Orton, County	Requests clarification of whether property is owned by the HOA. with staff

Counsel	responding. Further states there was action against King for constructing without a permit, but the HOA is also liable for allowing that to take place. King Ventures does not own the ground, but is constructing the project.
Discussion takes place	Among staff, County Counsel, Commissioners
Linda Richey, Heritage Ranch	Responds to Commission questions regarding the deed on the open space. States residents of Heritage Ranch have been told to stay off the property.
Mr. Watson, King Ventures	States there is a difference of opinion with Heritage Ranch Homeowners Association. States they would like to avoid confrontational situations such as the one before the Commission today. Gives a short history. Requests continuance to allow discussion with staff and HROA and resolve the issues. States King recognizes the responsibility to correct the situation, and they are looking for a solution.
Commissioner Roos	Refers to 10e of Title 22. Reads same into the record. States the standard is violated, in his opinion. However, there are many violations in the area. Proposes the Commission find this does not meet 10e standard, that it should meet the standard, require getting rid of the building, and change the fence.
Commissioner Christie	States her agreement with Commissioner Roos. Further clarifies her position.
Jim Orton, County Counsel	States the King letter submitted today must be provided to Commissioners. States he did not receive a copy, and County Counsel has not had an opportunity to review.
Commissioners	Consensus that 10e applies. Request staff state whether something could be designed that would be acceptable to the Commission, with staff responding.
Linda Richey, Heritage Ranch	Responds to questions from Commissioners. Provides clarification of various details.
Motion	Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, carries, in the absence of a representative from District #3, to deny the appeal and find that Planning Area Standard 10e does apply to this structure and that the appellant be directed to work with planning staff and the Homeowners Association to resolve this issue.
Warren Hoag, staff	Reports San Luis Bay Harbor District documents are available at Planning Department, at Port San Luis Harbor District office, and Port's website, www.portsanluis.com . They may also be available at the office of the Port's consultant, RRM Design Group. You can call Port office at 595-5400 regarding availability. They may or may not be in the library. The Port is lead agency for the EIR.
3. County of San Luis Obispo, County File No. D000131P.	This being the time set for hearing to consider a request by San Luis Obispo County Public Works Department for a Minor Use Permit/Coastal Development Permit to modify Santa Ysabel Avenue, approximately between South Bay Blvd. and 7th Street, for the purpose of slowing vehicular traffic and increasing pedestrian safety. The proposed modifications are known as the <i>Santa Ysabel Avenue Traffic Calming and Pedestrian Safety Project</i> , and consist of constructing the following: landscaped and lighted median "islands" at widened intersections; striped, pedestrian crosswalks at intersections, including raised crosswalks; curbs and gutters at intersections, and a storm drain; turnouts with bus shelters; a pedestrian walkway; improved street signs and striping; an entry monument; and public art. The project

	will result in the disturbance of approximately 20,000 square feet. The proposed project is within the Residential Single Family and Residential Multi-family land use categories and is located along Santa Ysabel Avenue between South Bay Blvd. and a location about 150 feet west of 7 th Street in the community of Los Osos. The site is in the Estero Planning Area. APN: N/A. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures proposed for: Air Quality, Biological Resources, Cultural Resources, Geology/Soils, and Hydrology/Water Quality. County File No. D000131P. Date application accepted: October 27, 2000. Supervisorial District #2.
Mike Wulkan, staff	Gives the staff report. Gives changes to staff report. States primary funding is federal grants. Main purpose is to slow down traffic on Santa Ysabel to approximately 35 miles per hour, and provide pedestrian access. Displays maps overhead. Describes proposal in detail. Provides past history with photographs. States no trees are proposed in the median islands. Los Osos Community Advisory Council has approved this project, giving priority to the bus shelter if funding is limited. Concerns that were expressed in the past have all been addressed. Recommends adoption of the Negative Declaration and approval of the permit.
Public Comment	
Eric Greening	States his support of traffic calming concept. This appears well thought out. States bus shelters should be a priority, but they should be constructed better. Gives an example. Suggests public art can be displayed on the bus shelters. Wonders who would jury public art.
Julie Tacker	Requests staff cover the funding mechanism again. States she generally supports the project. Traffic calming in the area is necessary. States some past controversies have come up again. Requests assurance of no trees in the medians, and that the CSD effluent not go back to water these medians. Requests staff check with CSD regarding topography of neighborhood. Wonders why this improvement must be made prior to the sewer project.
Commissioner Christie	Requests clarification of Ms. Tacker's concerns, with Ms. Tacker responding.
Mike Wulkan, staff	States Condition #16, that addresses public art jurying.
Commissioner Roos	Requests Eric Greening respond about the Arts Council to which he referred, with Mr. Greening responding.
Mike Wulkan, staff	States if Commission wishes plans for art referred to County Arts Council, that can be done. However, staff would prefer the art be reviewed by local community, such as the Advisory Council, with final approval by Planning Director.
Commissioners	Consensus that local control is preferred, but involvement of the County Arts Council should be sought.
Mike Wulkan, staff	States Public Works representative has indicated there may be no funds remaining for art.
Commissioner Christie	Refers to mitigation measures regarding habitat, and grading in rainy months.
Dave Flvnn. Public	States they will construct during June to August. However, there are possible delays.

Works	so flexibility is very desirable. Storm water retention plan implementation could take longer than till August.
Commissioners, Public Works staff, Planning staff	Discuss the matter in detail, including native plants and wildlife habitat, etc.
Mike Wulkan, staff	Further responds to questions from public. States this project must be done while funding is available. When the sewer project goes in, the CSD will have to replace in kind, any improvements that would be removed.
Mike Wulkan, staff	States a finding has been written regarding Sensitive Areas and Species, new Finding I. Reads into record.
Commissioners	Discuss new Finding I, standards of review (CEQA and ESA), ESA's and Coastal areas.
Commissioner Christie	Requests addition of Condition regarding replacement ratio for native vegetation, with staff responding.
Discussion takes place	Among Commissioners and staff
MOTION	<p>Thereafter, on motion by Commissioner Roos, seconded by Commissioner Christie, and carried, in the absence of a Commissioner from District 3, to adopt the Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2005-001 granting a Minor Use Permit / Coastal Development Permit to SAN LUIS OBISPO COUNTY PUBLIC WORKS DEPARTMENT for the above referenced project, based on the Findings in Exhibit A with the addition of new Finding I, as follows: "Sensitive Areas and Species. I. There will be no significant impact on or disruption of sensitive habitat, and the proposed use will be consistent with the biological continuance of the habitat, because mitigation measures require avoidance of sensitive habitat and species. If complete avoidance is not feasible, relocation of sensitive species, and restoration, enhancement or replacement of suitable habitat is required, consistent with requirements of the U.S. Fish and Wildlife Service. Potential impacts to sensitive areas and species are expected to be minimal; in any case, such potential impacts are outweighed by the overall benefits of the project, which will enhance habitat and public access to the coast by improving pedestrian safety and access along and across Santa Ysabel Avenue."; and subject to the Conditions in Exhibit B, with the following changes: in Condition 1h, add "bus shelters shall have rain gutters" to the end; in Condition 13 change "erosion control measures" to "sedimentation control measures" in two places; in Condition 16 add "and the County Arts Council" in the last line following "Advisory Council"; and in Condition 18, following "to be removed" at the end of the first sentence, add "and recommend suitable replacement ratios." and in the second sentence, change "The project proponent shall restore, enhance, or replace" to "The project proponent shall restore and enhance", adopted.</p>
#4. Cambria Community Services District, County File No. DRC2004-00093	This being the time set for hearing to consider proposal by CAMBRIA COMMUNITY SERVICES DISTRICT for a Development Plan/Coastal Development Permit to demolish and remove two existing 103,000 gallon steel water tanks, construct two new 550,000 gallon steel water tanks, and relocate an existing electrical control panel with overhead electric service at the Pine Knolls Water Tanks site. The project will include the removal of approximately 27 oak trees and 34 pine trees in the

	Residential Single Family Land Use Category. The property is located in the county at the terminus of Manor Way, in the Pine Knolls neighborhood, in the community of Cambria, APN: 013-301-018 and a portion of 013-111-005, in the North Coast Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigations measures identified for; Biological Resources. County File Number: DRC2004-00093 . Date application accepted: December 2, 2004. Supervisorial District # 2
Commissioner Christie	Recuses herself, stating she worked on enforcement of this matter as a member of the California Coastal Commission. States that while she is a Coastal Commission staff person, conflicts will not be a problem in the future as she is no longer <u>participating in CCC discussions</u> regarding projects that may come before the Planning Commission.
Matt Janssen, staff	Gives the staff report. States the situation is complex, and has been in the works for many months. The project before the Commission today is called "Alternative 2" on which an emergency permit was rescinded.
Ryan Hostetter, staff	States there are 4 alternatives being looked at, and #2 is the one being considered today. Gives a short history. Recommends disapproval of this design and bringing the project back at a future date.
Matt Janssen, staff	States a revised application was received Tuesday, which was Alternative #4. Suggests if the Commission wishes to take action, it should be tentative.
Commissioner Roos	Requests further information about reason for recommendation of disapproval. Discloses his call to the Community Services District (CSD) and his visit the site, and the CSD principles answered questions for him. States it seems some of what is being asked for has already been done. Requests clarification.
Matt Janssen	States the feasibility study was not available at the time the staff report was prepared. However, missing information is not the only reason for the recommendation of disapproval. A process that can be approved locally is desired. The goal is to find an approvable project that can survive the process.
Commissioners and staff	Discuss Environmentally Sensitive Habitat Areas, need for a report by a biologist, need for a feasibility study, how difficult the process of getting these may be, whether the Coastal Commission may consider reducing the tank size, that the existing tanks must remain in operation during construction, whether the project is in a conservation easement, boundaries of ESHA, the periodic review that was done to the Local Coastal Plan, definitions of ESHA, provisions of the Estero Area Plan.
Tammy Rudock, Cambria Community Services District	Thanks staff and Coastal Commission staff for working on this. Describes a handout provided to Commissioners. Describes the importance of the project to Cambria and its citizens. States District Engineer will give testimony and describes testimony. Fire Chief will give testimony.
Bob Gresens, District Engineer, CCSD	Summarizes Water Master Plan. Gives short history. States Pine Knolls is the most important water tank location. Discusses fire safety, stating that is the first goal of this project. Describes existing system, existing deficiencies. There is not sufficient capacity, and daily, the tanks become nearly empty and refill. Summarizes design constraints. States the mitigation measures have been incorporated. Summarizes the Environmental Review of this project. States only the Pine Knolls site is not in a

	mapped ESHA, although the county considers the area ESHA, and the CCSD does as well. Discusses key mitigations, including tree replanting.
Commissioners and Mr. Gresens	Discuss keeping tanks in service during construction, soils, engineering suggestions, excavations, whether structure of tanks will be undermined, location of mitigation area, order of building of tanks, size of tanks, whether project can be placed elsewhere, whether tank size can be reduced, whether the site is still in a conservation easement.
Art Montandon, District Counsel -	States property is still under conservation easement, and it will be condemned if the property is condemned, then the land will be dedicated back.
Bob Putney, Fire Chief, Cambria	Discusses fire protection water storage needs. Gives standards relied upon, stating the capacity that is required by those standards. States they will remain at lower than required capacity, even with new tanks. Gives short history. Discusses tank design. States they have been providing education to Coastal Commission regarding water requirements for fire protection. Discusses public safety issues, and some well-known fires and how those behaved and how those were fought, and the problems encountered. States current water tanks are not sufficient to fight a single residential fire if it happens at the same time as another. Discusses structure failure in an earthquake. Discusses challenges in Cambria. States there is long response time to get additional services in if there is a need.
Commissioner Roos	Requests description of access road on site, with Mr. Putney responding.
Tammy Rudock, General Manager	States this project is for public safety and operational sufficiencies. Requests approval.
Chairperson Liberto-Blanck	Reads supportive letter from Peter Russo into the record.
Norman Fleming, Cambria resident	States he lives very close to the tanks. Requests the tanks be earthquake proof. States relocation because of habitat is penny-wise and pound-foolish. If concern is truly for trees, then it should be recognized there is great danger of losing trees to fires. States appreciation for work of CSD.
Tarren Collins, Sierra Club	States she complained to the Coastal Commission when she heard of this plan. States staff recommendation is to disapprove this plan. States her agreement. States the CSD has acted outside of requirements. Describes the proposed site, and states there is a less environmentally destructive site in an obvious location.
Eric Greening	States a conservation easement is supposed to be in perpetuity. States if the District is intent on this project, they would be wiser to solve the problem within the constraints of the law. Questions why fire protection concerns have not been previously raised, such as when the Resource Management and growth rates were being discussed. Wonders is a moratorium on building in Cambria should be put into place. States such precedent should not be set for conservation easements.
Ken Bornholdt, on behalf of the Gracie family	The family owns a home next to the existing tanks. Gives a short background. Urges approval of today's request. Location of the tanks is a concern of the family. States they support staff recommendation to continue this hearing. Refers to a letter submitted into the record today. States the tank design itself raises issues. States wherever the tanks are located they will be within an ESHA. Reads a newspaper statement by the fire chief. States there is no need to rush to decision. States there is bird nesting now, and they would not be able to begin anyway, because of that.

Giselle Naylor	States she owns land in Cambria, lives in Oceano. States if county can take a conservation easement without compensation, that is not acceptable. The system should protect a conservation treatment, and at the same time, allow for gas and oil development. Gives short history. Questions disestablishment of the easement is precedent setting. States a site should be located in Cambria where no ESHA will be impacted. Discusses other kinds of water storage. States there are other designs that could be used besides this one. Discusses location of conservation easement boundaries and whether the Planning Department has authority to alter them. States she wishes to hear more public comment, and is unhappy that plans can be changed at the last minute.
Ralph Covell	Property owner of Covell Ranch. States there is no such ranch as the CT Ranch, and requests photograph be displayed of the ranch referred to as the CT Ranch. States the CCSD is working hard to try to solve the water problems of Cambria. States a conservation easement affects property owners and generations of their families down the line. Wonders why a decision is made to go back into a protected area, to what is said to be the largest, most pristine Monterey Pine stand. States CCSD does not give any services to his ranch. States the CCSD does not have to go back into the forest. States the conservation easement was paid for with public funds. States he met this week with head of Nature Conservancy, and requested they sell the conservation easement back to him. States others feel as he does.
Ron Crummet, Cambria.	States the issues are complex. States the important thing is there is fire danger and there isn't much time left. Conservation easements and precedents are important, but fires set their own precedent. Something must be done now. Requests Commission consider Cambrians when making a decision. States they do not wish to be like Oakland Hills.
Fire Chief, Cambria	Refers to a fire study done as early as 1976-78, which identified a water deficiency. more stringent fire codes were adopted due to the low water storage. Until drought resistant water supply is developed, no new will-serve letters can issue.
Commissioner Roos	Requests information about whether the conservation easement was purchased, and whether the Nature Conservancy has been involved in this action.
Art Montandon, District Counsel for CCSD	Explains a condemnation action, fair compensation. The only issue left is with the court, to determine the amount of money. There is an agreement between Mr. Covell and the Nature Conservancy regarding what would happen if the conservation easement were disestablished.
Commissioners and Art Montandon	Discuss easements, compensation, and method of that determination being made; how a conservation easement is amended.
Bob Gresens, CCSD	Clarifies water moratorium point, stating these are distribution tanks, not seasonal storage reservoirs. These are much smaller, designed for fire fighting and day to day operation of the system. States they offered to exchange property with the Nature Conservancy. However, it did not work out. The main reason for this request is to enable protection of the forest from wildfire.
Chairperson Liberto-Blanck	Requests clarification of whether other sites were considered.
Bob Gresens, CCSD	Describes locations, showing them on the map. Fire flow must go by gravity. Shows ESHA on overlay of map. States an offer of property trade was made but did not work out.

Chairperson Liberto-Blanck	Restates the position the Commission is in today. Requests clarification of whether the Commission will need to continue this project today in order to be able to consider everything, with staff responding affirmatively. A response to the Coastal Commission's concerns should be made. Refers to the removal of the ESHA, stating the lack of good alternatives should be mentioned. An effort to relocated the tanks somewhat should be made.
Commissioner Roos	States CCSD has verbally stated there is no alternative to this site, but it has not been committed to paper. That should be done, with all details. States it may be possible to condemn the neighboring house, though that is a big step.
Commissioners and staff	Discuss various issues, including the biologist's report, off-site mitigations, Coastal Commission position, conservation easement procedures.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, in the absence of a representative from District 3, and with Commissioner Christie recused, to continue this item to February 10, 2005.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, in the absence of a representative from District 3, and with Commissioner Christie recused, to take into the record all documents submitted today.
ADJOURNMENT	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission